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ARTICLES

The Multiple-Homesteading Theory and the Metaphysics of Ideas and Information

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This article explores the intersections between privacy, property rights, ideas, and information. The multiple-homesteading theory (MHT) posits that property rights have universal applicability, encompassing the physical, digital, and mental domains. Property in ideas and information (PII) exists only as long as privacy is fully maintained. Once shared, ideas and information trigger automatic homesteading processes in any individual who comes into contact with them; these individuals then form new and original ideas, which remain their exclusive property as long as privacy is preserved. Any libertarian addressing PII must investigate the ontological nature of ideas and information, which cannot be defined in purely physicalistic terms. This article carries out this preparatory work through examinations of heterogeneous philosophical and scientific theories, literature, and classical music. In addition, a meme theory of ideas is outlined. Ultimately, recognizing the existence of PII does not legitimize positivistic intellectual property (IP) legislation, which is incompatible with libertarian principles. Instead, the MHT demonstrates that privacy bridges coherent libertarian theory and effective libertarian action, especially in a world dominated by the pervasive intersection of the physical and digital domains.

This article deals with the intersections between privacy, property rights, ideas, and information. Privacy is the ability to remain invisible by default to unwanted third parties and to reveal oneself to selected peers voluntarily (Togni 2022a). Importantly, it is an a priori condition for the preservation of property rights: It is inconceivable that property that is constantly exposed will not be assaulted by hostile actors, especially state agents (Togni 2024). Nowadays, hierarchical surveillance is the main practical tool that governments and their private-sector cronies exploit to find and confiscate the property of citizens under their jurisdiction (Togni 2025). Property rights and privacy behave differently in the domain of the body, in the realm of external

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physical objects, and in the domain of ideas and information (Togni 2022b). This article focuses on the last area. The nature of ideas and information is anything but easily comprehensible. As a first approximation, philosophers interested in epistemology, such as Descartes and Locke, define ideas as the objects of thought, which can be communicated through words. Similarly, information can be known and shared; moreover, not only can information be thought by minds and processed by brains,[1] but it can also be implemented in machines and computers.[2] Whether machines can think and the extent of the overlap between ideas and information are only two of the numerous open questions that give philosophers a headache. Investigating how privacy affects property in ideas and information, how the state tries not only to steal physical property but also to control what individuals think, how the digital world can be exploited to surveil or avoid surveillance, and so on, is philosophically and strategically crucial for libertarians.

This article aims ambitiously at making libertarian thought more philosophically aware. The metaphysics[3] of ideas and information is studied using different tools borrowed from philosophy, physics, computer science, literature, and classical music. The nature of ideas and information is so elusive that nothing can be taken for granted in this regard. A lot can be gained by facing this elusiveness without fear of getting lost.

In section 1, the difference between intellectual property (IP) and property in ideas and information (PII) is analyzed in libertarian terms using the theories of Murray Rothbard, Stephan Kinsella, Eric Voskuil, and the present author. Each approach has merits that deserve to be taken into account, but a preference is given to the multiple-homesteading theory (MHT) and its analysis of the relation between PII and privacy. Section 2 submits that clarifying the ontological premises regarding the nature of ideas and information helps libertarians build better theories of property. David Chalmers's work on information and consciousness, John Wheeler's it-from-bit hypothesis, Willard van Orman Quine's philosophy of language, Arthur Coleman Danto's philosophy of art, a novel by Jorge Luis Borges, and a classical opera by Gaetano Donizetti are discussed. It is also shown that the MHT withstands the pressure of this ontological analysis satisfactorily. In addition, a meme theory of ideas is outlined. In the final section, some practical and theoretical consequences of the previous discussion are drawn. Inter alia, it is stressed that IP should not be confused with PII, that property rights enjoy universal applicability, and that privacy bridges coherent libertarian theory and effective libertarian action.

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1 The relation between minds and brains is one of the most controversial issues in modern and contemporary philosophy and cannot help but impact the understanding of property rights and privacy in the domain of ideas and information.

2 Actually, any combination of physical objects can be understood as functionally implementing any kind of information. This point will be touched upon in subsection 2.1.

3 In this article, the terms "metaphysics" and "ontology" are used interchangeably.

1. Libertarianism, Intellectual Property, and Property in Ideas and Information

This section analyzes how libertarians deal with IP and PII.[4] In doing so, it submits that any positivistic approach that gives the state the power to define and enforce IP laws is not coherent with libertarianism. Still, libertarians can adopt a wide range of positions with regard to PII understood as a natural phenomenon devoid of any positivistic implication. Rothbard maintains that copyright is a legitimate form of market interaction while positivistic IP laws are not. Kinsella rejects IP and PII altogether. Voskuil stresses that ideas and information can be exchanged on the free market like any physical object. The present author submits that PII exists only if privacy is preserved and that public information can be homesteaded by anyone who comes into contact with it.

The objective of this section is to show that each approach has its merits and that, at the same time, they all require a preparatory analysis of the ontological nature of ideas and information.

1.1. Rothbard on Copyright and Positivistic IP Laws

Coherent libertarianism cannot find any place for positivistic IP legislation that grants monopolistic privilege and implies property rights violations. Rothbard (2009, 745–54) distinguishes legitimate copyright that emerges on the free market from illegitimate patents granted by the state. State-issued patents confer "an exclusive privilege on the first inventor" that prevents others from using their mental faculties and physical property freely and penalizes creators who made the same discovery independently of, and concurrently with, the privileged inventor (747). Moreover, patent laws are arbitrary because they distinguish artificially between patentable and nonpatentable areas. The same arbitrariness is found in the utilitarian argument that patents help boost research and development in the protected fields and therefore benefit society at large. The utilitarian lacks a coherent and universal criterion to distinguish the areas of research that deserve the protection of the state from the ones that do not. This means that the state has to step in to establish this criterion, which opens the door to unlimited government intervention. In the end, patents granted by the state must distort the market: "Research expenditures are . . . *overstimulated* in the early stages before anyone has a patent, and they are *unduly restricted* in the period after the patent is received. In addition, some inventions are considered patentable, while others are not. The patent system then has the further effect of artificially stimulating research expenditures in the *patentable* areas, while artificially restricting research in the *nonpatentable* areas" (752;

4 In this article, IP refers to positivistic legislation that deals with intellectual property, while PII refers to property rights in the domain of ideas and information *without any reference to state legislation*.

italics in the original). Being a caring man, Rothbard finds an alternative for actual humanitarians: "*They can make these expenditures themselves*. Those who would like to see more inventions made and exploited, therefore, are at liberty to join together and subsidize such effort in any way they think best" (753–54; italics in the original).

Trying not to throw the baby out with the bathwater, Rothbard recognizes that ideas can be subject to legitimate market exchange thanks to copyright: "This indicates that any man who agrees to purchase this product also agrees as part of the exchange not to recopy or reproduce this work for sale. In other words, the author does not sell his property outright to the buyer; he sells it *on condition* that the buyer not reproduce it for sale" (747; italics in the original). Rothbard's approach is interesting because it distinguishes illegitimate IP laws from legitimate copyright. However, a couple of issues can be raised. First, Rothbard claims that copyright violations are "implicit theft," but he does not explain how implicit theft differs from the explicit version; a charitable interpretation is that implicit theft is a contractual violation, but this alone does not suffice to capture the meaning of "implicit." Second, Rothbard does not explain how copyright can be enforced effectively: It is prohibitive for an author to ascertain how readers, who are presumably scattered around the world, use her work and to what extent. How much change is allowed, exactly? And how much copying? Is copyright compatible with the endless reproducibility of information? Who is supposed to enforce it in the real world, if not the state? How can Rothbard justify his claim (749) that copyright is perpetual, given that property rights are always tied to individuals who live temporally defined lives? It is impossible to answer these questions without a proper metaphysical analysis of the nature of information, property, and even time.

1.2. The Physicalistic Libertarian Theory

Given the difficulties discussed above, some libertarians denounce as illegitimate not only state-mandated IP laws, but also the very possibility of owning ideas and information. Because this approach restricts property rights to the physical domain, I refer to it as the physicalistic libertarian theory (PLT).

Kinsella (2008), following the Rothbardian tradition, demonstrates that positivistic IP legislation implies a violation of property rights because individuals constrained by it are prohibited from using their mental faculties and physical resources as they please, even if this use is nonviolent. Moreover, he claims that property rights apply exclusively to physical objects and not to knowledge; for example, it is impossible to own ideas, but it is possible to own a book that contains ideas; therefore, there is no such thing as theft of ideas, while stealing a book is a crime that should be punished under libertarian law. Kinsella (2022; italics in the original) uses the criterion of scarcity and conflictability to deny the existence of PII:

> As an example, if a group of people live in a jungle where bananas are very plentiful, they are not scarce in the informal sense, but they are still "scarce" in the economic and political theory sense, because if I pluck a banana then that banana is scarce—if someone takes it from me, I no longer have it. So then I have to explain to people that "ideas," whether "good" or not, might be *rare* (scarce in the informal sense), [but] they are not scarce (rivalrous) in the economic sense. And it is the latter sense which matters for political theory and property rights, since property rights are a response to, a proposed solution for, the problem of *conflict*, which arises only with genuinely rivalrous goods or things, but not with things that are merely uncommon or rare.

It is important to clarify the metaphysical assumptions underpinning Kinsella's argument. He writes that "information, ideas, knowledge, patterns, are not scarce since they are not rivalrous—because many people can use *the same* knowledge without conflict or rivalry—and thus property rights in ideas make no sense" (Kinsella 2022; italics added). But can ideas in my head be *the same* as ideas in other people's heads? Perhaps Kinsella assumes the Platonic view that ideas exist independently of individuals, so that it may happen that different individuals have the same knowledge; or maybe he assumes that knowledge is somehow intersubjective, without explaining what intersubjectivity is; perhaps some other hidden assumptions are at work. Either way, such metaphysical theses cannot be taken for granted but must be demonstrated. Moreover, even if it is accepted as true that "many people *can* use the same knowledge without conflict" (Kinsella 2022; italics added), it can also be accepted as true that many people *can* fight over ideas and not only their physical instantiations; therefore, it is not clear how the criterion of conflictability implies that property exists only in the physical domain.[5]

When it comes to the relation between privacy and PII, Kinsella (2021) states that "some anti-IP libertarians are confused, when they say that you only own information in your brain as long as you do not make it public; this is not true; information is never owned, it is not an ownable thing, even if it is private." Kinsella's argument is circular: He just asserts that privacy plays no role in preserving PII because it is assumed from the beginning that ideas and information cannot be owned. This circularity highlights that the main shortcoming of the PLT is the confusion between two very different issues: On the one hand, the relentless attack against positivistic IP legislation is commendable and should be encouraged by all coherent libertarians; on the other hand, the ontological problem of the existence or nonexistence of PII cannot be dismissed as superficially as Kinsella dismisses it.

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5 On this point, see also subsection 1.3.

1.3. The Moral and Economic Value of Information

Voskuil (2020, 41), like Rothbard, submits that "copyright is a contractual agreement between buyer and seller" similar to nondisclosure agreements, whereas "patent is exclusively a state grant of monopoly." In a feud with Kinsella on the social media platform X, Voskuil (2025) argues that the existence of PII is evident in the behavior of human beings: They protect information, contract about it, exchange it, and so on. From a moral perspective, these behaviors are voluntary and therefore coherent with the nonaggression principle (NAP); on the contrary, prohibiting individuals from valuing and exchanging ideas is a violent act and an NAP violation. From an economic perspective, all libertarians should agree that Marx is wrong in claiming that value is a function of production costs; therefore, denying the existence of intangible property just because it is not scarce or is easily reproducible is a losing strategy. Given that value is intrinsically subjective, nothing prevents human beings from valuing and exchanging ideas and information, regardless of production costs; similarly, conflict over them arises all the time. This is another way of saying that Kinsella's conflictability criterion fails to demonstrate the nonexistence of PII.

Acceptance of the existence of PII because of the moral and economic arguments provided above does not imply that the state should be given any role in its defense. As already stated, political and positivistic views of property are untenable for libertarians, whether they are applied to the physical domain or to the mental one. Moreover, establishing the existence of PII is not enough: First, the ontological peculiarities of the domain of ideas and information should be investigated; second, the difference between the exchange of physical objects and that of information is an interesting line of inquiry; and third, libertarians have to explain how PII can be protected effectively against the intrusiveness of hostile actors, especially state-level ones.

1.4. The Multiple-Homesteading Theory

The domain of ideas and information has its ontological peculiarities (Togni 2022b; 2025). PII, unlike property in the body and in the mind, and similarly to property in physical objects, is alienable because it is possible to transfer it and lose it under the right circumstances. For example, I could decide to communicate my thought X to A only if A pays me the right amount of money. Moreover, PII exists only as long as privacy is fully maintained. In other words, privacy is a condition for the existence of PII: Once privacy is surrendered and thought X enters the public domain, any exclusivity claim on my part becomes unenforceable. In contrast, in the physical domain, privacy is one of the most important conditions for the defense (but not the existence) of property rights. For example, hiding a gold ingot from the taxman facilitates its preservation, but the taxman knowing where it is does not make my ownership disappear automatically.

Another important point is that ideas and information can be homesteaded by different people at the same time.[6] If I share thought X publicly (that is, if I surrender privacy with regard to X), anyone who comes into contact with X homesteads it and can do whatever she wants with it. This homesteading process occurs automatically: Once A and B hear my thought X, they cannot "unhear" it. Of course, how A incorporates X with her other ideas is only her business, and the same is true for B. X-as-reshaped-by-A is the exclusive property of A, and X-as-reshaped-by-B is the exclusive property of B, as long as A and B safeguard the privacy of their respective versions of X. When A and B communicate or sell their ideas, privacy and therefore exclusive property are lost, which triggers a new multiple-homesteading process.

The MHT has some advantages. First, it legitimizes PII without invoking positivistic IP laws. Second, it distinguishes the behavior of privacy and property rights in the domain of physical objects from their behavior in the realm of ideas and information, rather than simply ignoring the latter. However, many questions remain unanswered. For example, it is not easy to make sense of copyrights within the framework of the MHT: On the one hand, they may be deemed legitimate because they are voluntary market agreements between buyers and sellers who desire to exchange PII; on the other hand, the MHT implies that they are, at least, very difficult to enforce, as demonstrated by the existence of piracy. For example, a book available in a library can be read by a lot of people, who homestead the ideas contained in the book automatically as soon as they read it. It is practically impossible for the author to prevent readers from using and sharing *their* newly formed ideas;[7] this practical difficulty stems from the fact that the author, by publishing the book, surrendered privacy with regard to the ideas written in the book. Given that privacy in the domain of information is not gradual but all-or-nothing,[8] and given that privacy is a condition for the existence of PII, the MHT explains and even justifies nonviolent piracy. A forcing B to share her ideas constitutes a violation of the NAP, but a hacker using her skills to gain, share, or deploy information that was already communicated by the original owner is just smart. Publishing a book implies that that book can be read by anyone, and therefore authors accept the "risk" that others use their new knowledge as they see fit. Individuals are solely responsible for protecting their own privacy: If A fails in this task or chooses to give privacy up, nobody but A can be blamed. It could be said that copyrights are metaphysically void

6 Of course, this is not true for physical objects.

7 Sharing an idea, even if only with one person or under a copyright agreement, increases the attack surface that can be exploited by potential adversaries. Now, the original owner must ascertain not only that her privacy is fully preserved, but also that the other person protects hers as well; in the case of published books, this problem worsens exponentially with the number of readers. More importantly, prohibiting the use of information originally shared runs against reality because the homesteading process happens automatically and cannot be revoked at will: Once A knows something, A knows something, and trying to force A not to take advantage of this knowledge is a hopeless (and unjust) endeavor. Paper contracts are powerless against metaphysical processes and only add unnecessary friction.

8 Rothbard and defenders of copyright fail to see that ideas cannot be shared "on condition"; in the domain of ideas and information, privacy is either preserved or not; and once it is lost, any exclusivity or conditional claim is lost as well (Togni 2022b).

claims which wrongly treat the exchange of information as if it were similar to the exchange of a common physical object. This confusion depends on an underdeveloped metaphysics of ideas and information.

The MHT has its own ontological issues. For example, it occasionally describes idea X as if *the same X* could be shared with others and homesteaded multiple times; on the other hand, it points to X-as-reshaped-by-[individual], which implies that different individuals think *their own version of X* rather than X itself.[9] This ambiguity affects the metaphysics at the core of the MHT. In general, whether PII is admitted or not, the task of investigating the nature of ideas and information cannot be delayed any further.

2. The Metaphysics of Ideas and Information

In this section, I investigate the nature of ideas and information by means of heterogeneous philosophical and scientific theories, literature, and classical music. The following discussion aims not to solve the issues that affect the libertarian approaches analyzed above, but to show that philosophers interested in PII must face this kind of preparatory ontological work.

2.1. The Elusive Nature of Information

In the previous pages, the term "information" was not defined rigorously but used sloppily as a synonym for "idea" to indicate something that can be known. Chalmers leverages computer science and physics to provide a tripartite taxonomy of information. First, semantic information "makes a claim about the world" (Chalmers 2022, 152): for example, the claim that *Lady Macbeth of Mtsensk* by Šostakovič opened the 2025–6 opera season at Teatro alla Scala in Milan. Second, structural information implies a sequence, as in the case of bits that are physically encoded, and has a causal role: 0001 and 0100 entail different behaviors when implemented in chips. Moreover, because "the same sequence of bits can be encoded in all sorts of substrates—punched cards, mechanical switches, transistors, or patterns of beer cans" (159), structural information can be described as substrate-neutral. Third, symbolic information "arises when bits encode facts, or when structural information encodes semantic information" (153). Symbolic information permeates the contemporary world; for example, the cloud is a set of computers that encode and store facts about users, their behavior, and the world. From this basic tripartite distinction, it follows that information and physical reality interact in complex ways and are not ontologically unrelated.

9 In subsection 1.2., it was already pointed out that the thesis that it is possible for different individuals to think the same idea is anything but obvious. In subsection 2.3., the meme theory of ideas is outlined in order to account for the infinite variations of X.

While the notions of structural and symbolic information seem to imply that information depends on physical substrates, Wheeler submits the opposite view: that the physical world is made of information. According to his it-from-bit hypothesis,

> Every it—every particle, every field of force, even the spacetime continuum itself—derives its function, its meaning, its very existence entirely—even if in some contexts indirectly—from the apparatus-elicited answers to yes or no questions, binary choices, bits. It from bit symbolizes the idea that every item of the physical world has at bottom—at a very deep bottom, in most instances—an immaterial source and explanation; that what we call reality arises in the last analysis from the posing of yes-no questions and the registering of equipment-evoked responses; in short, that all things physical are information-theoretic in origin and this is a participatory universe. (Wheeler 1989, 310–11)

The it-from-bit hypothesis is only one of the many physical (and metaphysical) theories that try to make sense of the world. Still, a general but important lesson that can be derived from Wheeler's thesis and from Chalmers's tripartite taxonomy is that it is not so obvious that the domain of information and the domain of physical objects constitute two ontologically independent spheres. The consequences for libertarians interested in PII are tangible. For example, *if* it is true that the physical world is made of information and/or that information must be implemented physically, the dichotomous thesis that information cannot be owned while physical objects can may lose part of its rationale. Libertarians who claim that PII exists assert that both common physical objects and information are ownable, which is expected if the ontologically deflationary idea that their nature does not differ too significantly is accepted. On the other hand, PLT proponents should explain why the two domains must be treated so differently when it comes to property rights and why such an inflationary ontological framework is needed. As seen in subsection 1.2, arbitrary concepts such as "conflictability" do not deliver the expected results and are not coherent with libertarian economic and moral theory. This may be not just a contingent problem that can be solved by searching for a better principle, but an intrinsic limit of the approach itself that depends on a flawed ontology. Given that a strict ontological link between physical objects and information may exist, that property defines human nature, and that value is subjective, there seems to be no reason to deny the universal applicability of property rights to everything, information included.[10]

10 The MHT submits that both information and common physical objects can be owned and, at the same time, acknowledges that there are differences between the two spheres; therefore, it is more ontologically balanced than the PLT and preserves the universal applicability of property rights.

Certainly, the study of the relation between information and the physical can take unexpected turns. In discussing his theory of consciousness, Chalmers contrasts a relativist view of computation implementation with a functionalist one. On the one hand, it can be argued, with John Searle, that implementation is relative to the observer: "Any system can be seen to implement any computation if interpreted appropriately. Searle holds, for example, that his wall can be seen to implement the Wordstar word processing program" (Chalmers 1997, 314). On the other hand, Chalmers submits "that for any given computation, there is a fact of the matter about whether or not a given system implements it, and there will be only a limited class of systems that qualify as implementations. . . . To say that a physical system implements a given complex computation *P* is to say something very substantial about the causal structure of that system" (320). Both Searle's and Chalmers's approaches are compatible with a variety of ontological views regarding the physical and the informational, and even consciousness.

For example, Chalmers does not rule out the panpsychist thesis that conscious experience[11] is ubiquitous, meaning that every information-processing system is associated with some sort of first-person, qualitative character. For instance, a thermostat has three functional states: heating, cooling, and rest. Therefore, "the claim is that to each of these information states, there corresponds a phenomenal state. . . . We might ask: What is the character of these phenomenal states? That is, what is it like to be a thermostat? . . . Someone who finds it 'crazy' to suppose that a thermostat might have experiences at least owes us an account of just *why* it is crazy" (Chalmers 1997, 293, 295; italics in the original). *If* it is admitted that human beings have conscious experiences and that the same is true for other complex animals, it becomes difficult (or perhaps impossible) to draw a definite boundary between complex information-processing systems that are associated with experiences and slightly less complex ones that are not. The issue is even more complicated because of the classic mind-body problem, according to which it is difficult (or perhaps impossible) to explain how quantifiable physical systems give rise to qualitative mental states: "Thermostats are really no different from brains here. Even once we understand brain processes perfectly, there will still seem to be no reason to invoke consciousness" (296). Brains and thermostats are both physical systems, while consciousness is mental. It is therefore no more weird to assert that thermostats are associated with qualitative experiential states than to assert that brains are.[12]

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11 Conscious experience is first-person, qualitative experience; it is not to be confused with third-person cognition as the object of study of cognitive science.

12 According to Chalmers (1997, 97), not only can thermostats have experiences, but collective objects do also; for example, if the Chinese population implemented the same functional organization of A's brain, the collective system would have the same qualitative experiences as A.

Libertarians cannot ignore these ontological issues. For example, *if* panpsychism is true, PLT defenders would have a hard time explaining why only physical objects—and not information—are subject to property rights, because physical objects devoid of knowledge, experience, or information processing would not exist in the first place.

And the strenuous assertion of weird theories is not exclusive to philosophers. The term "cypherpunk" denotes computer scientists who are willing to leverage their knowledge for moral and political purposes. One of their most popular mottoes states that information "longs to be free" (Hughes 1993). This thesis is a metaphor in the sense that semantic information, structural information, and symbolic information per se have little to do with freedom, but cypherpunks are dead serious when they promise to deliver "anonymous transaction systems" that are capable of disrupting traditional government practices based on widespread surveillance:

> Cypherpunks write code. We know that someone has to write software to defend privacy, and since we can't get privacy unless we all do, we're going to write it. We publish our code so that our fellow Cypherpunks may practice and play with it. Our code is free for all to use, worldwide. We don't much care if you don't approve of the software we write. We know that software can't be destroyed and that a widely dispersed system can't be shut down. . . . We the Cypherpunks seek your questions and your concerns and hope we may engage you so that we do not deceive ourselves. We will not, however, be moved out of our course because some may disagree with our goals. (Hughes 1993)

The cypherpunk ethos sees privacy, free and open-source software, and a sound understanding of the free nature of information as the main tools to dismantle the oppressive political structure that pervades contemporary societies. For them, the nature of information is defined not only by computer science and physics, but also by its moral and political application.

This subsection is a hodgepodge of strange ontological theories regarding information. It has been shown that information can be encoded in physical substrates; that the physical world may be understood in terms of bits of information; that it is no more paradoxical for thermostats, as information-processing systems, to be associated with consciousness than for human brains; and that some computer scientists and developers do not hesitate to trespass upon political and moral philosophy to pursue libertarian goals. If the reader is more confused than before, the point has been made. The difficulty of establishing the existence or nonexistence of PII depends on the metaphysical elusiveness of information. The only path forward for libertarians is to try to clarify the ontological assumptions that underpin their belief system.

2.2. The Elusive Nature of Ideas and Language

Not only is the notion of information slippery, but the same can be said of knowledge and language. In section 1, it was taken for granted that ideas exist in the minds of human beings and that they are definite mental objects. However, this mentalistic approach, which is common in modern philosophy, has been challenged by contemporary philosophers such as Quine. Needless to say, discussing property in ideas is overly ambitious without a clear idea of what ideas are.

Quine's philosophy of language questions a lot of common philosophical assumptions. One of the most famous examples is his argument against the reductionist dogma that was popular among logical empiricists, which maintains that individual sentences admit direct empirical confirmation or falsification (Quine 2004). Instead, he argues in favor of holism, which "is the claim that most of our sentences do not have implications for experience when they are taken one-by-one, each in isolation from the others. What has experiential implication is, in most cases, not an individual sentence but a larger chunk of theory" (Hylton and Kemp 2023). Holism implies that every sentence can be made true by adjusting other parts of the theoretical system within which it is situated, and that any theory of truth that distinguishes a factual component from a linguistic one is nonsensical (Quine 2004). Quine proposes holism in relation to the theory of meaning. However, *if* holism holds with regard to knowledge in general, the understanding of PII would be affected; for example, ownership of single ideas would be hard to justify.

Quine (1960, 74, 76) argues against the "uncritical mentalistic theory of ideas" that assumes the existence of "some free-floating, linguistically neutral meaning." The problem of radical translation and the principle of indeterminacy of translation show the untenability of the mentalistic approach. According to Quine, "Manuals for translating one language into another can be set up in divergent ways, all compatible with the totality of speech dispositions, yet incompatible with one another" (27). For example, the term "gavagai" pronounced while pointing at a rabbit "might be translated as 'There's a rabbit' or as 'Rabbithood is manifesting itself there' or as 'There are undetached rabbit parts,' or in other ways limited only by one's ingenuity" (Hylton and Kemp 2023). These alternative translations are compatible with the term "gavagai" and with the observable behavior of the speaker. It follows that there is no single identifiable meaning or mental idea that the word "gavagai" conveys; holistically and pragmatically, what matters is the role played by ideas and meanings in the relevant theory and language. Even definition and synonymity do not unravel the indeterminacy of translation, because they are obscure notions that are based on the mentalistic presumption that what is communicated (the meaning? the idea? some other mental object?) remains unaltered when definitions and synonyms are provided.

PLT proponents could try to leverage Quine's theses in order to dispense with the presumption that ideas are single mental objects that can be owned. On the other hand, the MHT does not depend on mentalism, because it places the burden on the shoulders of privacy: The claim is that ideas and knowledge, whatever their nature, can be owned as long as privacy is protected. Moreover, as seen in subsection 1.4., the MHT is compatible with holism because it rejects mentalistic objects in favor of ideas that are continuously reshaped by individuals.[13] Defenders of copyright may incur more troubles: If copyright is supposed to protect published, definite ideas, then the question of what these ideas are inevitably arises; if it is supposed to protect only the physical instantiation of these ideas, then it is not clear why additional rights over and above traditional property rights in physical objects should be admitted.

2.3. Don Quixote, Classical Opera, and the Meme Theory of Ideas

Art provides glorious examples of human ingenuity. "Pierre Menard, Author of the *Quixote*" is a short story by Borges that recounts how Menard, an imaginary character from the 1930s, wrote a book titled *Don Quixote*. Menard's work is word-by-word identical to the famous novel published by Cervantes at the beginning of the seventeenth century. As observed by philosopher Danto (2019, 43–48), Menard's *Quixote* is not a miraculous coincidence, nor a quotation of the original, nor a copy of Cervantes's book, nor a forgery, but a new and brilliant work of art. Borges (1962, 94; italics in the original) himself emphasizes the point:

> It is a revelation to compare the *Don Quixote* of Menard with that of Miguel de Cervantes. Cervantes, for example, wrote the following (Part I, chapter IX):
>
> > . . . truth, whose mother is history, rival of time, depository of deeds, witness of the past, exemplar and adviser to the present, and the future's counselor.
>
> This catalog of attributes, written in the seventeenth century, and written by the "ingenious layman" Miguel de Cervantes, is mere rhetorical praise of history. Menard, on the other hand, writes:
>
> > . . . truth, whose mother is history, rival of time, depository of deeds, witness of the past, exemplar and adviser to the present, and the future's counselor.

13 On this point, see also the meme theory of ideas discussed at the end of the following subsection.

> History, the *mother* of truth!—the idea is astounding. Menard, a contemporary of William James, defines history not as a *delving into* reality but as the very *fount* of reality. Historical truth, for him, is not "what happened": it is what we *believe* happened. The final phrases—*exemplar and adviser to the present, and the future's counselor*—are brazenly pragmatic.
>
> The contrast in styles is equally striking. The archaic style of Menard—who is, in addition, not a native speaker of the language in which he writes—is somewhat affected. Not so the style of his precursor, who employs the Spanish of his time with complete naturalness.

The moral of Borges's story is not only that Cervantes's *Quixote* and Menard's *Quixote* are different artworks because they are written in different historical contexts, but also that the distinction does not depend exclusively on perceptual and physical properties (Danto 2019, 43). According to Danto, every piece of art is defined by its "aboutness," a sort of "meaningful" content that manifests itself through the style of the artist and that is not fully expressible in words and conceptual categories. Cervantes's and Menard's novels, while orthographically identical, have different aboutnesses and embody different styles, and are therefore different works of art. This mental experiment aims at establishing the substantial point that there is more to art than meets the eye. This may be a bitter pill to swallow for defenders of copyright and of the PLT, even if for different reasons: On the one hand, Cervantes would have a hard time claiming that Menard is just a forger who violated copyrights;[14] on the other hand, the physicalistic claim that Cervantes and Menard cannot, in principle, own their ideas stands out as a stubborn oversimplification. The MHT provides a more realistic and flexible picture. Before publishing, the two *Quixotes* were the exclusive property of their authors; after publication, Cervantes and Menard cannot prevent others from homesteading the ideas in their novels; anyone can reshape them as they see fit.[15] This is what Menard did: He integrated his knowledge of Cervantes's *Quixote* with other ideas and wrote his new work.

Classical music helps illustrate the matter. Music is the art of time: One of its main ontological peculiarities is that it exists only during execution. This is evident in opera. *Il furioso nell'isola di San Domingo* by Donizetti was performed at the Donizetti Opera festival that took place in Bergamo in November 2025. The libretto, written by Jacopo Ferretti, narrates the story

14 Rothbard's theory that there is no copyright infringement only when A and B arrive independently at the same outcome is challenged by Borges's story: By hypothesis, Menard knows Cervantes, which means that the independence requirement does not hold; still, Menard writes a new and original *Quixote* despite it being physically identical to Cervantes's.

15 As seen in the previous subsection, ideas are not to be understood as Platonic or mental objects but as subject to continuous reshaping by individuals, authors included.

of Cardenio, a character who comes from Cervantes's *Don Quixote*. However, Ferretti was also inspired by a number of theatrical and operatic reductions[16] of Cervantes's *Don Quixote* that were performed at Italian theaters during the first decades of the nineteenth century (Mantica 2025). In addition, individuating the original score by Donizetti is anything but easy: After the opera was written in 1832, at least four editors (Paterni, Ricordi, Lucca, and the Artaria brothers) claimed that the copy in their possession was the truest one (Di Cintio 2025). Further, different versions of *Il furioso* were performed in Turin, Rome, Naples, and Milan; Donizetti even found out that some parts performed at La Scala were added by a mysterious but not unskilled musician to accommodate a larger orchestra. And as any opera enthusiast knows, opera depends not only on librettos and music, but also on stage direction and baton technique. *Il furioso* performed in Bergamo under director Manuel Renga and conductor Alessandro Palumbo is not the same as *Il furioso* performed in other theaters under different directors and conductors. The same is true for different musicians and singers. Even more radically, the performance I attended on November 21, 2025, was unique and not identical to the other two that were scheduled at the 2025 Donizetti Opera festival; one of the main differences (but certainly not the only one) is that the performance I attended was abruptly but briefly interrupted due to a singer's sudden indisposition. Ontologically, every musical performance is a unique event: There is no such thing as a definitive or an original *Il furioso*; rather, there are multiple executions of *Il furioso*.

The previous discussion provides inspiration for the meme theory of ideas and information, which submits that their nature is analogous to that of memes. First, the mentalistic thesis that there exist free-floating ideas as definite objects of thought can be challenged by the arguments provided in the last two subsections. Second, abandoning mentalism does not imply that ideas should be discarded when it comes to property rights; rather, every idea takes a new form once individuals think it and mix it with other ones. Third, the MHT suggests that ideas are the exclusive property of individuals as long as they do not share them and privacy is safeguarded;[17] this preserves both the universal applicability of property rights and the individualistic framework central to libertarianism. Fourth, ideas can be shared; when this happens, privacy and PII are lost and new homesteading processes are automatically initiated by whoever sees or hears the ideas. When I listen to an opera or read a book, I homestead the sounds, ideas, and information that I come into contact with and reshape them in original ways, which are my exclusive property as long as I do not share them; readers of this article will homestead and reshape my words as they see fit. Fifth, ideas and information

16 This proves once again the thesis that once a novel is published, the enforceability of any claim of exclusive property with regard to that novel is metaphysically bound to fail.

17 In other words, privacy is a necessary condition for the existence of PII.

are similar to memes. On the one hand, there must exist simple templates of memes and ideas that can be shared and communicated; otherwise, they would be scattered fragments that have nothing in common. On the other hand, templates per se are meaningless and need to be given actual shape by individuals. New, original shapes are exclusively owned as long as privacy is preserved and trigger new reshaping processes once privacy is surrendered. This explains why infinite instantiations of the same meme and idea exist and why the basic template is so elusive. Sixth, the meme of stolen memes (figures 1, 2, and 3) helps summarize the previous points.

Figure 1. Stealing memes with honor

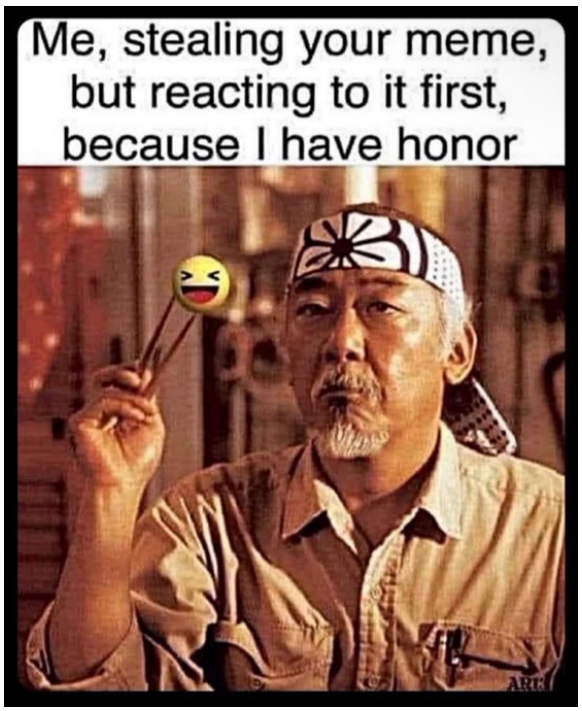

Figure 2. Meme checkpoint

Figure 3. "Spiderman is dying" meme

The thesis that memes can be stolen is obviously a joke, because nobody prevents individuals across the world from using and varying any meme they come into contact with; no copyright can be enforced in this regard. Every meme that A produces is A's exclusive property as long as privacy is preserved:

Only A can choose whether to share her memes or not. The act of sharing can be subject to payment, but once memes are public, nothing can stop them from reproducing infinitely.[18] Sometimes, the meme of stolen memes "threatens" or "nudges" readers to share their memes so that the barrier established by privacy is removed and new laughs are triggered (figures 2 and 3). What is true for memes is true for ideas: Trying to make it impossible for readers of this article to use them is nonsense that conflicts with reality. Still, every author is morally pleased when her contribution is recognized (figure 1), and I will continue to refer to this article as *mine* not only because I wrote it, but also because the homesteading process it triggers is not exclusive to readers but involves authors as well.

Conclusion: Practical and Theoretical Consequences

In section 1 of this article, four libertarian approaches to IP and PII were discussed: Rothbard's, the PLT, Voskuil's, and the MHT, with the last being the preferred one. Section 2 dealt with more general ontological issues: The elusive nature of information and its relation to the physical world were studied through the theories of Chalmers, Wheeler, and the cypherpunks; the elusive nature of ideas and the problems of mentalism were analyzed through the lens of Quine's philosophy; lastly, the stage was taken by the bizarre cases of Menard and Donizetti, and an analogy between ideas, information, and memes was drawn. Eventually, it was shown that any libertarian approach to PII should clarify its ontological premises and that the MHT withstands the pressure of metaphysics reasonably well.[19]

This article concludes by examining two practical and two theoretical consequences of the previous discussion. The first practical point concerns the behavior of the state with regard to punishment. During COVID, governments worldwide declared that not sharing information (that is, not surrendering privacy) regarding one's vaccination status was a crime. This is coherent with governments' modus operandi (Togni 2025); for example, not sharing income with tax agencies invokes more state theft in the form of fines and even jail time, and withholding information on how children are educated might invoke their kidnapping by state agents. Ideas and information are valuable to both individuals and public authorities, and governments are acutely aware of the role of privacy in protecting not only PII, but also physical property: Knowing vaccination statuses is the precondition for assaulting citizens' bodies and curtailing their liberty; knowing citizens' income is the precondition for taxation; IP laws are meant to prevent individuals from using their mental faculties and physical property as they wish. Importantly, argumentation ethics implies that property rights

18 The word "meme" mimics the word "gene" because they both seek reproducibility.

19 Of course, defenders of other approaches should present their own analysis.

are a precondition for free argumentation and that the same is true for the ability to subtract oneself from argumentation, remain silent, and protect privacy (Togni 2025).[20] Governments are aware of the power of privacy in safeguarding property and liberty, which explains their obsession with mandatory, constant, and pervasive surveillance of the population.

Another practical issue that is relevant for this article concerns cryptocurrency ownership. Starting from the correct consideration that the bitcoin network connects thousands of computers worldwide, Kinsella (2021) argues that bitcoins cannot really be owned: "If I owned a Bitcoin, that would mean I own the pattern of information that's stored on other people's computers. That would mean I have a property right in their computers, but I don't have a property right in their computers." He also writes, "To have a 'property right' in 'your' bitcoin doesn't mean owning 'a bitcoin' since information is not ownable. It means that the holder of the state-granted 'bitcoin right' has been granted, by state fiat, some control (ownership) rights over the computers/memory owned by every user of the BTC network" (Kinsella 2025).

This argument is very confused. First, Kinsella fails to distinguish between the bitcoin network and the private keys that give control of the coins that are transacted on that network. The fact that holder A does not own other people's computers does not entail that holder A does not own her private keys. These are usually stored as a sequence of words[21] and are all that is needed to control the coins. The list of words is owned only as long as full privacy is preserved and nobody but A knows it; as soon as the private keys are leaked and privacy is lost, anyone who has access to them—the fastest one in particular—controls the coins and can move them to her own privately held wallet.[22] Second, although Kinsella is right to attack state-granted bitcoin rights, these positivistic rules are external to the protocol, while the actual rules that govern the bitcoin network are enforced not by the government but by network participants. Of course, if nobody but A wanted to use the network, no exchange would take place, but this is true of all market exchanges. The physicalist could try to reduce the information that is transacted on the bitcoin network to some physical entity such as computer chips so that only property rights in physical objects are admitted; however, this strategy requires an enormous ontological

20 Physicalists could try to account for these phenomena by claiming that accessing ideas is the same as accessing brains, and that only physical assaults on brains are relevant for libertarians. However, this solution makes the theory more ontologically burdensome and less elegant; at the bare minimum, the physicalist has to make all her ontological commitments explicit.

21 This list of words can be stored on physical supports or it can be memorized. PLT defenders could claim that what matters when it comes to property rights is only the physical support or the brain that is involved. However, the fact that the same information can be stored in different ways shows that there may be more to information than its material instantiation. Moreover, the identity between brains and minds is ontologically hard to maintain, as shown by the classic mind-body problem.

22 This story, which is what happens in the real world, is coherent with the MHT and harder to justify from the perspective of the PLT; perhaps this explains why Kinsella denies the possibility of owning bitcoin altogether.

work that, to my knowledge, has not been carried out yet. Third, the case of cryptocurrency highlights the role of privacy in protecting property. Privacy protections on bitcoin are suboptimal because senders, receivers, and amounts are public and only pseudonymity protects users by default; this gives tax-hungry governments and other criminal actors a significant advantage in associating on-chain activity with real-world identities, which can lead to all sorts of attacks.[23] Fortunately, not all cryptocurrencies are the same. Monero, a privacy-preserving cryptocurrency that enforces numerous privacy protections by default, is in the process of implementing FCMP++s (full-chain membership proofs), which is a major upgrade that increases the anonymity set of every transaction from the current sixteen to all unspent outputs recorded on the network.[24] This is coherent with the cypherpunk ethos mentioned in subsection 2.1.

The empirical cases discussed in this final section help illuminate at least two important theoretical points. The first is that there is no PII without privacy and that privacy is key to defending all kinds of property. Privacy bridges libertarian theory and reality, description and prescription, what is and what ought to be. On the one hand, privacy is an a priori condition for the defense of property rights in general and for the existence of PII in particular (Togni 2022b; 2024); in addition, it plays a central role in argumentation ethics (Togni 2025). On the other hand, any libertarian who longs to advance freedom in the real world and not only in books has to act strategically (Togni 2022b). The state is more powerful and more willing to use brute force than peaceful individuals who respect the NAP. The only possibility is to avoid open conflict with the government: Pursuing privacy by default is the most effective strategy to preserve PII and physical property, and therefore to change the world for the better.

A related theoretical point is that the MHT recognizes the universal validity of property rights and privacy. If property rights define human nature, then it is to be expected that they pervade all spheres of human life. The thesis that ideas and information should be reduced to physical entities is based on a dubious and complex ontology that no philosopher has been able to articulate; the milder thesis that ideas and information cannot be reduced to physical objects, but do not matter when it comes to property rights, is unnecessarily arbitrary.[25] Instead, the MHT submits that property rights are universal and intrinsic to human nature; at the same time, it recognizes that PII behaves differently from property in physical objects. Moreover,

23 Every leak of information increases the probability of compromising the private keys and therefore the coins. If A knows that B stores her keys in an unencrypted file on a computer connected to the internet, she can try to exploit B's sloppiness; if A knows that B owns a thousand bitcoins, she can resort to physical assault to gain access to those keys.

24 Monero hides the sender, the receiver, and the amount of any transaction by default. Privacy protections are also implemented at the network level to obscure transaction origins.

25 On this point, see Voskuil's arguments provided in subsection 1.3.

the MHT clarifies the universal role of privacy in protecting both PII and physical property. Needless to say, the common enemy of all libertarians is the state, which entails that IP laws have no place in libertarian thought and should be attacked relentlessly. But IP should not be confused with PII. Without exception, property and privacy are the universal basis of coherent libertarian theory and the strategic basis of effective libertarian action.

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